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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,697	09/30/2003	Amanda Baer	HSJ9-2003-0032US1 (0107-0)	6166
7590 ATTN: John J. Oskorep One Magnificent Mile Center Suite 1400 980 N. Michigan Avenue Chicago, IL 60611		08/04/2009	EXAMINER GRAMAGLIA, MAUREEN	
			ART UNIT 1792	PAPER NUMBER PAPER
			MAIL DATE 08/04/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte:* AMANDA BAER, MARIE-CLAIRE CYRILLE,  
FREDERICK HAYES DILL, BENJAMIN LU CHEN WANG,  
CHARINGYE HWANG, and MUSTAFA PINARBASI

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Application No. 10/675,697  
Technology Center 1700

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Mailed: August 4, 2009

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Before TOI JOHNSON *Review Paralegal*

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on July 27, 2009. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the

application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

EXAMINER'S ANSWER

GROUNDS OF REJECTION TO BE REVIEWED UPON APPEAL

A prior "Order Returning Undocketed Appeal to Examiner" was mailed on July 17, 2009 wherein the Examiner was instructed that corrections were required. A review of the file finds that the required corrections have not been made in entirety. The matters still requiring attention prior to docketing are identified below.

A review of the file finds that the grounds of rejection to be reviewed on appeal of the claims as provided in the Communication mailed July 23, 2009 under the statement "Grounds of rejection to be Reviewed on Appeal" is not consistent with the grounds of rejection of claims set forth in the last Office action of record. Specifically, claim 18 has been omitted from the rejections.

The Examiner also indicates that, "Section (9) of the Examiner's Answer was incorrect. It should not have included the grounds of rejection applied to Claims 21, 22, and 27, since these grounds of rejection are not on review." Although, claims 21, 22 and 27 have not been presented in the Appeal Brief, the Examiner's Answer must list all grounds of rejections

maintained by the examiner. *See Manual of Patent Examining Procedure* (MPEP) § 1207.02 (8<sup>th</sup> ed. Rev. 6, Sept 2007) for details.

Clarification of the record is required.

**CONCLUSION**

Accordingly, it is ORDERED that the application be returned to the Examiner:

- 1) vacate the Communication mailed July 23, 2009;
- 2) generate a PTO-90C which corrects the issues discussed above; and
- 3) such further action as may be required.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

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